

CHARTER
OF THE
Town of Walkersville

FREDERICK COUNTY, MARYLAND

(Reprinted November 2008)

The Department of Legislative Services
General Assembly of Maryland
prepared this document.

For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: (410-946-5400) Washington Area: (301-970-5400)

Other Areas: (1-800-492-7122)

TTY: (410-946-5401) (301-970-5401)

TTY users may also contact the
Maryland Relay Service to contact the General Assembly

E-mail: libr@mlis.state.md.us

Home Page: <http://mlis.state.md.us>

The Department of Legislative Services does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the admission or access to its programs or activities. The Department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at Library and Information Services of the Department of Legislative Services.

CONTENTS

ARTICLE I

Incorporation, Corporate Name and General Powers

Section

- C1-1. Incorporation.
- C1-2. Corporate name.
- C1-3. General powers.

ARTICLE II

Corporate Limits

- C2-1. Corporate boundaries.
- C2-2. Filing of corporate limits.

ARTICLE III

Officers

- C3-1. Burgess and Commissioners.
- C3-2. Restrictions on elected officials of the town.
- C3-3. Selection and term of Commissioners.
- C3-4. Qualifications of Commissioners.
- C3-5. Salary of Commissioners.
- C3-6. Expenses of Burgess and Commissioners.
- C3-7. Meetings of Commissioners.
- C3-8. Commissioners to be judge of qualification of their members.
- C3-9. President of the Commissioners.
- C3-10. Quorum.
- C3-11. Procedure of Commissioners.
- C3-12. Commissioner vacancy.
- C3-13. Ordinances.
- C3-14. Veto.
- C3-15. Referendum.
- C3-16. File of ordinances and resolutions.
- C3-17. Selection and term of Burgess.
- C3-18. Qualifications of Burgess.
- C3-19. Salary of Burgess.
- C3-20. Powers and duties of Burgess.
- C3-21. Competitive bidding required for certain materials and supplies.

ARTICLE IV

Powers

- C4-1. General powers and exemption from County laws.
- C4-2. Construction.
- C4-3. Intergovernmental relations.
- C4-4. Specific powers.
- C4-5. Exercise of powers.
- C4-6. Enforcement.

ARTICLE V

Authority to Borrow Funds

- C5-1. Bonds.
- C5-2. Tax, bond, grant and approved loan anticipation notes.
- C5-3. Manner of authorization and issuance.
- C5-4. Adoption of resolution.
- C5-5. Issuance of bond, grant, tax or approved loan anticipation notes.
- C5-6. Limitations.
- C5-7. Maximum debt limit.
- C5-8. Miscellaneous.
- C5-9. Effect and repayment of bonds and notes.
- C5-10. Other acts authorized.
- C5-11. Supplementary authority and powers.

ARTICLE VI

Vacancies; Forfeiture of Office; Filling of Vacancies

- C6-1. Vacancies.
- C6-2. Forfeiture of office.
- C6-3. Filling of vacancies.

ARTICLE VII

Elections

- C7-1. Registration of voters.
- C7-2. Board of Supervisors of Elections.
- C7-3. Duties.
- C7-4. Notice of registration days and elections.
- C7-5. Revision of registration; records.
- C7-6. Appeals; powers and duties of officers of registration.
- C7-7. Qualifications of voters.
- C7-8. Nomination of candidates.
- C7-9. Elections; terms of office.
- C7-10. Bribing, etc., of voters prohibited.

- C7-11. Vote count.
- C7-12. Preservation of ballots.
- C7-13. Regulation and control by Commissioners.

ARTICLE VIII

Town Property

- C8-1. Acquisition, possession and disposal.
- C8-2. Condemnation.
- C8-3. Town buildings.
- C8-4. Protection of town property.
- C8-5. Designation or naming of town property including streets.

ARTICLE IX

Finance

- C9-1. Town Treasurer.
- C9-2. Powers and duties.
- C9-3. Fiscal year.
- C9-4. Budget.
- C9-5. Adoption.
- C9-6. Appropriations.
- C9-7. Transfer of funds.
- C9-8. Overexpenditures forbidden.
- C9-9. Appropriations lapse after one year.
- C9-10. Checks.
- C9-11. Taxable property.
- C9-12. Budget authorizes levy.
- C9-13. Notice of tax levy.
- C9-14. When taxes overdue.
- C9-15. Sale of tax-delinquent property.
- C9-16. Fees.
- C9-17. Audit.
- C9-18. Tax anticipation borrowing.
- C9-19. Payment of indebtedness.
- C9-20. Previous issues.
- C9-21. Purchases and contracts.

ARTICLE X

Personnel

- C10-1. Town Clerk.
- C10-2. Town Treasurer.
- C10-3. Town Attorney.
- C10-4. Authority to employ personnel.

- C10-5. Merit system authorized.
- C10-6. Unclassified and classified service.
- C10-7. Prohibitions and penalties.
- C10-8. Retirement system.
- C10-9. Compensation of employees.
- C10-10. Employee benefit programs.

ARTICLE XI

Public Ways and Sidewalks

- C11-1. Definition of public ways.
- C11-2. Control of public ways.
- C11-3. Powers of town as to public ways.
- C11-4. Powers of town as to sidewalks.

ARTICLE XII

Water and Sewers

- C12-1. Powers of town.
- C12-2. Placing structures in public ways.
- C12-3. Obstructions.
- C12-4. Entering on county public ways.
- C12-5. Connections.
- C12-6. Connection charge.
- C12-7. Changes in plumbing, etc., to prevent waste or improper use.
- C12-8. Private systems.
- C12-9. Extensions beyond boundaries.
- C12-10. Right of entry.
- C12-11. Pollution of water supply.
- C12-12. Contracts for service.
- C12-13. Charges.

ARTICLE XIII

Special Assessments

- C13-1. Power of town to levy special assessments.
- C13-2. Procedure.

ARTICLE XIV

County Road Taxes and Franchise Taxes

- C14-1. County road taxes.
- C14-2. Franchise taxes.

ARTICLE XV
General Provisions

- C15-1. Oath of office.
- C15-2. Official surety bonds.
- C15-3. Prior rights and obligations.
- C15-4. Misdemeanors.
- C15-5. Effect of Charter on existing ordinances.
- C15-6. Severability.

WALKERSVILLE

ARTICLE I

Incorporation, Corporate Name and General Powers

Section C1-1. Incorporation.

The citizens of the Town of Walkersville residing and included within the corporate limits legally established from time to time are hereby constituted and continued a body corporate. The repealing of the former Section 829 of Article 11 of the Code of Public Local Laws of Maryland (1930 Edition) and the enactment of this new section shall not be construed as terminating the existence of the corporation known as the “Burgess and Commissioners of Walkersville” and creating a new corporation by the name of the “Burgess and Commissioners of Walkersville,” but shall be construed as continuing the existence of the said corporation known as the “Burgess and Commissioners of Walkersville.”

Section C1-2. Corporate name.

The corporate name of the Town of Walkersville shall be the “Burgess and Commissioners of Walkersville.”

Section C1-3. General powers.

A. The municipal corporation here continued, under its corporate name, has all the powers and privileges incident to or that may attach to a municipal corporation or body corporate by that name to:

(1) Sue and be sued, to plead and be impleaded and to defend and be defended in any and all courts of law or equity in all actions whatsoever.

(2) Acquire by purchase, gift, condemnation or in any other lawful manner real, personal and mixed property and also any rights or interest therein which, in the opinion of the Commissioners, may be deemed advisable for municipal purposes and to hold, use, manage or dispose of the same for municipal purposes and for the benefit of said town.

(3) Pass and adopt all ordinances, resolutions and bylaws necessary or proper to exercise the powers granted herein or elsewhere.

(4) Execute contracts.

(5) Be vested with the powers of eminent domain to condemn and convert property to the public use of the town for the purposes of widening or constructing streets, widening or constructing sidewalks, for drainage projects, for parks, playgrounds and parking areas, for municipal buildings, for public utilities and for other municipal purposes in such

manner and procedure as is or shall be provided by the laws of the State of Maryland for state and county purposes.

(6) Have and use a common seal which may be altered at pleasure.

(7) Have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

B. All property and franchises of every kind belonging to or in possession of the "Commissioners of Walkersville" or the "Town of Walkersville" or of the "Burgess and Commissioners of Walkersville" are vested in the "Burgess and Commissioners of Walkersville." The town may receive in trust and control, for any general corporate purpose of such trust or for the benefit of the town, all money and other property bestowed upon it by will, deed or any other form of gift or conveyance, in trust for any general corporate purpose, in and of the indigent poor, for the general purpose of education or for charitable purposes of any description of the town.

ARTICLE II

Corporate Limits

Section C2-1. Corporate boundaries.

The corporate limits of the Town of Walkersville shall include all land lying within the following boundaries: Beginning at an iron pipe on the East side of the right of way for Maryland State Route Number 194, North 68° 32' 46" East 361.07 feet from a concrete monument found called "Challedon Azimuth" Maryland State Grid Coordinates; North 603,536.43, East 705,448.14, said iron pipe also located at the North corner of a Subdivision called "Hazel Lewis Section IV" found recorded in Plat Book 23, page 13, among the Land Records of Frederick County, Maryland, and running therewith:

(1) South 64° 33' 00" West 200.00 feet to an iron pipe found, thence

(2) South 55° 41' 52" West 119.86 feet to a point on the outline of the "Hazel Lewis Estate" and running therewith and with the East side of the right of way for Maryland State Route Number 194 three (3) courses and distances and the beginning of a curve to the right having a radius of 4523.37 feet through a central angle of 02° 48' 34", an arc distance of 221.80 feet by a chord bearing

(3) South 41° 09' 48" West 221.78 feet to a point on the curve continuing to the right having a radius of 4523.37 feet through a central angle of 06° 25' 37", an arc distance of 507.39 feet by a chord bearing

(4) South 45° 46' 53" West 507.13 feet to a point of compound curve continuing to the right by a curve having a radius of 9162.70 feet through a central angle of 2° 00' 30", an arc distance of 321.15 feet by a chord bearing

(5) South 50° 00' 07" West 321.14 feet to a concrete monument found at the Northwest corner of "Gladetown" and continuing across Maryland State Route 194

(6) North 38° 59' 38" West 150.00 feet, thence with the West side of the right of way for Maryland State Route 194 by a curve to the left having a radius of 9012.70 feet through a central angle of 2° 00' 30", an arc distance of 315.89 feet by a chord bearing

(7) North 50° 00' 07" East 315.87 feet to a point of compound curve continuing to the left by a curve having a radius of 4373.37 feet through a central angle of 5° 23' 02", an arc distance of 410.95 feet by a chord bearing

(8) North 46° 18' 11" East 410.80 feet, thence continuing with the West side of the right of way for Route 194

(9) North 43° 38' 46" East 158.39 feet, thence with the outlines of "Glade Manor" as shown on Plats of Subdivision recorded in Plat Book 14, page 161, and Plat Book 16, page 139, two (2) courses and distances

(10) South 64° 02' 44" West 670.96 feet to a stone found marked B-29 at the beginning of Lots 29 and 73 of "Monocacy Manor", thence

(11) South 66° 09' 05" West 760.41 feet to an iron pipe found, thence with the Hazel DeCaro property three (3) courses and distances

(12) South 20° 01' 16" East 179.17 feet to an axle found, thence

(13) North 65° 47' 16" East 73.22 feet to a fence post, thence

(14) South 28° 59' 10" East 208.59 feet to a point of the West right of way line for Route 194 and running therewith by a curve to the right having a radius of 8560.37 feet through a central angle of 2° 39' 07", an arc distance of 396.21 feet by a chord bearing

(15) South 55° 32' 02" West 396.17 feet, thence

(16) South 56° 51' 36" West 151.28 feet, thence leaving the aforementioned right of way and running with the Edwin F. Nikirk II property nine (9) courses and distances

(17) North 53° 59' 02" West 25.30 feet, thence

(18) South 58° 08' 07" West 37.85 feet, thence

(19) North 39° 17' 57" West 330.66 feet, thence

(20) South 77° 36' 36" West 278.64 feet, thence

- (21) North $14^{\circ} 05' 49''$ West 391.29 feet, thence
- (22) North $77^{\circ} 19' 16''$ East 443.54 feet, thence
- (23) North $3^{\circ} 47' 21''$ East 418.94 feet to an iron pipe found at the Northwest corner of that Addition to a Lot of Record found recorded in Plat Book 14, page 70, and running with Section One of "Glade Manor" recorded in Plat Book 16, page 139, and Plat Book 18, page 69,
- (24) North $3^{\circ} 32' 06''$ East 652.42 feet to an iron pipe found, thence
- (25) North $15^{\circ} 16' 47''$ East 746.92 feet to an iron pipe found, thence leaving the Nikirk Property and running between Section One and the future Sections of "Glade Manor" ten (10) courses and distances
- (26) South $75^{\circ} 53' 20''$ East 170.04 feet to an iron pipe found, thence
- (27) South $15^{\circ} 16' 52''$ West 120.03 feet to an iron pipe found, thence
- (28) South $75^{\circ} 53' 20''$ East 800.00 feet to an iron pipe found, thence
- (29) South $64^{\circ} 28' 13''$ East 90.00 feet to an iron pipe found, thence with Section One of "Glade Manor", sheet one of three, recorded in Plat Book 14, page 161, six (6) courses and distances
- (30) South $64^{\circ} 28' 13''$ East 115.53 feet to an iron pipe found, thence
- (31) South $3^{\circ} 13' 54''$ East 101.03 feet to an iron pipe, thence
- (32) South $39^{\circ} 32' 06''$ East 248.11 feet to an iron pipe found, thence
- (33) South $88^{\circ} 35' 43''$ East 181.64 feet to an iron pipe found, thence
- (34) North $51^{\circ} 47' 44''$ East 87.80 feet to an iron pipe found, thence
- (35) North $87^{\circ} 12' 30''$ East 119.42 feet to an iron pipe found, thence with the Eastern Boundary of the future Sections of "Glade Manor"
- (36) North $36^{\circ} 32' 26''$ East 734.90 feet to a point on the South right of way for Devilbiss Bridge Road and running therewith four (4) courses and distances
- (37) North $26^{\circ} 27' 32''$ West 104.58 feet to the beginning of a curve to the left having a radius of 611.11 feet through a central angle of $29^{\circ} 14' 08''$, an arc distance of 311.82 feet by a chord bearing

(38) North $41^{\circ} 04' 36''$ West 308.45 feet to a point of compound curve continuing to the left by a radius of 1223.24 feet through a central angle of $20^{\circ} 11' 37''$, an arc distance of 431.13 feet by a chord bearing

(39) North $65^{\circ} 47' 30''$ West 428.90 feet, thence

(40) North $75^{\circ} 53' 19''$ West 1265.68 feet, thence leaving the right of way for Devilbiss Bridge Road and running to exclude the Huffer Property

(41) South $15^{\circ} 16' 50''$ West 512.91 feet to a fence post, thence

(42) North $74^{\circ} 32' 07''$ West 668.07 feet to a fence post, thence

(43) North $2^{\circ} 07' 42''$ West 75.56 feet to an 18" tree, thence

(44) North $20^{\circ} 34' 03''$ East 161.72 feet to a point on the South right of way for Devilbiss Bridge Road, and running therewith by a curve to the right having a radius of 602.96 feet through a central angle of $17^{\circ} 37' 57''$, an arc distance of 185.56 feet by a chord bearing

(45) North $82^{\circ} 08' 55''$ West 184.83 feet to the end of said curve, thence

(46) North $73^{\circ} 19' 57''$ West 750.20 feet to the beginning of a curve to the right having a radius of 2894.79 feet through a central angle of $8^{\circ} 17' 58''$, an arc distance of 419.32 feet by a chord bearing

(47) North $69^{\circ} 10' 58''$ West 418.95 feet to the end of said curve, thence

(48) North $65^{\circ} 01' 59''$ West 1220.93 feet to the beginning of a curve to the right having a radius of 550.87 feet through a central angle of $39^{\circ} 03' 00''$, an arc distance of 375.45 feet by a chord bearing

(49) North $45^{\circ} 30' 28''$ West 368.22 feet to the end thereof, thence

(50) North $25^{\circ} 58' 58''$ West 110.19 feet to the beginning of a curve to the left having a radius of 542.96 feet through a central angle of $29^{\circ} 42' 20''$, an arc distance of 281.50 feet by a chord bearing

(51) North $40^{\circ} 50' 08''$ West 278.36 feet to the end thereof, thence

(52) North $55^{\circ} 41' 18''$ West 254.03 feet to the beginning of a curve to the left having a radius of 924.93 feet through a central angle of $12^{\circ} 58' 37''$, an arc distance of 209.49 feet by a chord bearing

(53) North $62^{\circ} 10' 37''$ West 209.04 feet to the end thereof, thence

(54) North $68^{\circ} 39' 55''$ West 94.70 feet to the beginning of a curve to the right having a radius of 1939.86 feet through a central angle of $6^{\circ} 33' 23''$, an arc distance of 221.98 feet by a chord bearing

(55) North $65^{\circ} 23' 14''$ West 221.86 feet to the end thereof, thence

(56) North $62^{\circ} 06' 32''$ West 216.69 feet to the beginning of a curve to the right having a radius of 1462.39 feet through a central angle of $10^{\circ} 11' 40''$, an arc distance of 260.20 feet by a chord bearing

(57) North $57^{\circ} 00' 42''$ West 259.85 feet to the end thereof, thence

(58) North $51^{\circ} 54' 53''$ West 261.26 feet to the beginning of a curve to the left having a radius of 1402.39 feet through a central angle of $5^{\circ} 55' 44''$, an arc distance of 145.12 feet by a chord bearing

(59) North $54^{\circ} 52' 44''$ West 145.05 feet to the end thereof, thence

(60) North $57^{\circ} 50' 36''$ West 521.23 feet to the beginning of a curve to the left having a radius of 606.62 feet through a central angle of $32^{\circ} 37' 47''$, an arc distance of 345.47 feet by a chord bearing

(61) North $74^{\circ} 09' 30''$ West 340.82 feet to the end thereof, thence

(62) South $89^{\circ} 31' 37''$ West 1116.41 feet to the beginning of a curve to the right having a radius of 746.20 feet through a central angle of $17^{\circ} 35' 48''$, an arc distance of 229.17 feet by a chord bearing

(63) North $81^{\circ} 40' 30''$ West 228.27 feet to the end thereof, thence

(64) North $72^{\circ} 52' 36''$ West 885.14 feet to a point on the South side of the right of way for Devilbiss Bridge Road, thence

(65) South $62^{\circ} 00' 49''$ West 42.35 feet to a point on the East side of the right of way for Dublin Road and running thence

(66) South $16^{\circ} 54' 14''$ West 264.82 feet to the beginning of a curve to the right having a radius of 984.93 feet through a central angle of $13^{\circ} 24' 45''$, an arc distance of 230.57 feet by a chord bearing

(67) South $23^{\circ} 36' 36''$ West 230.04 feet to the end thereof, thence

(68) South $30^{\circ} 18' 59''$ West 1051.52 feet to a point on the East side of the right of way for Dublin Road, thence leaving said right of way and running with J. Alton Smith Property three (3) courses and distances

- (69) South 42° 01' 48" East 414.43 feet to a fence post, thence
- (70) North 71° 27' 12" East 453.61 feet to an iron pin found, thence
- (71) South 28° 08' 54" East 491.51 feet to an iron pin found, thence with the lines of the Kenneth D. Poole Property four (4) courses and distances
- (72) South 60° 56' 49" West 1527.56 feet to an iron pin found, thence
- (73) South 37° 44' 40" East 1243.07 feet, thence
- (74) South 57° 52' 36" West 501.41 feet to an iron pin found, thence
- (75) South 19° 46' 21" East 260.58 feet to a Tee Bar found, thence
- (76) South 57° 45' 50" West 1126.77 feet to a point on the East side of the right of way for Dublin Road and running therewith
- (77) South 26° 28' 47" East 427.84 feet, thence leaving said right of way
- (78) North 63° 02' 27" East 172.26 feet to an iron pipe found, thence
- (79) South 25° 57' 39" East 132.46 feet to an iron pipe found, thence
- (80) South 62° 58' 35" West 171.06 feet to a point on the East side of the right of way for Dublin Road and running therewith
- (81) South 26° 28' 47" East 234.15 feet to the beginning of a curve to the right having a radius of 388.10 feet through a central angle of 18° 40' 22", an arc distance of 126.48 feet by a chord bearing
- (82) South 17° 08' 36" East 125.92 feet to a point on the Western Boundary of the Elsie M. Ramsburg Property and running therewith
- (83) South 26° 00' 40" East 438.07 feet to an iron pipe found, thence
- (84) South 62° 37' 44" West 224.55 feet to a point on the East side of the right of way for Dublin Road and running therewith by a curve to the left having a radius of 686.20 feet through a central angle 18° 04' 59", an arc distance of 216.57 feet by a chord bearing
- (85) South 6° 33' 38" East 215.67 feet to the end thereof, thence
- (86) South 15° 36' 07" East 1664.53 feet to the point on the South side of the right of way for Biggs Ford Road and running with said right of way for Biggs Ford Road
- (87) South 70° 55' 51" West 459.43 feet to a point, thence

(88) South $33^{\circ} 18' 33''$ West 47.52 feet to a point on the East side of the right of way for Fountain Rock Road and running therewith

(89) South $4^{\circ} 18' 46''$ East 1434.05 feet to a point, thence leaving said right of way

(90) South $84^{\circ} 38' 37''$ East 2113.65 feet to a point in the centerline of the right of way for the Pennsylvania Railroad and running therewith by a curve to the right having a radius of 3243.29 feet through a central angle of $18^{\circ} 37' 43''$, an arc distance of 1054.50 feet by a chord bearing

(91) South $61^{\circ} 07' 11''$ West 1049.86 feet to a point of tangency, thence

(92) South $70^{\circ} 26' 03''$ West 1150.08 feet, thence leaving said railroad and running with the East side of the right of way for Fountain Rock Road

(93) South $3^{\circ} 54' 13''$ East 1585.39 feet to a point, thence

(94) South $4^{\circ} 52' 44''$ East 1210.44 feet to the beginning of a curve to the left having a radius of 138.70 feet through a central angle of $73^{\circ} 56' 47''$, an arc distance of 179.01 feet by a chord bearing

(95) South $41^{\circ} 51' 07''$ East 166.84 feet to the end thereof, thence

(96) South $78^{\circ} 49' 22''$ East 1101.12 feet to a point on the North Right of Way for Fountain Rock Road and running thence across said road and with the Western Property line of Lot 3 in Grossnickle Subdivision as found recorded in Plat Book 22 Page 130

(97) South $09^{\circ} 10' 16''$ West 492.23 feet to an iron pipe on the Southwestern Corner of Lot 3 as outlined above and running thence

(98) South $82^{\circ} 00' 19''$ East 390.45 feet to a concrete monument thence

(98A) South $87^{\circ} 15' 19''$ East 249.77 feet to a point on the Western Right of Way of Maryland Route 194 as shown on Plat of Lot 1, Grossnickle Farm Subdivision as found in Plat Book 20 Page 104 and running thence with said Route 194

(98B) North $13^{\circ} 44' 41''$ East 402.24 feet to a point, thence across Fountain Rock Road Right of Way

(99) North $13^{\circ} 29' 42''$ East 152.85 feet to a point thence (See note (31))

(100) North $13^{\circ} 34' 18''$ East 664.37 feet to the beginning of a curve to the right having a radius of 5763.58 feet through a central angle of $11^{\circ} 33' 40''$, an arc distance of 1162.97 feet by a chord bearing

(101) North 19° 21' 08" East 1161.00 feet to the end thereof, thence

(102) North 25° 07' 58" East 777.36 feet to the beginning of a curve to the right, said point being South 15° 44' 58" West 139.18 feet from a concrete monument found called "Walker" Maryland State Grid Coordinates North 597065.510 East 697989.300, thence with said curve having a radius of 5763.58 feet through a central angle of 8° 27' 30", an arc distance of 850.85 feet by a chord bearing

(103) North 29° 21' 43" East 850.08 feet to the end thereof, thence

(104) North 33° 51' 14" East 872.66 feet to the beginning of a curve to the right having a radius of 5759.58 feet through a central angle of 4° 27' 12", an arc distance of 447.65 feet by a chord bearing

(105) North 35° 49' 04" East 447.54 feet, thence crossing Maryland State Route 194 and running with the lands of the heirs of John D. Nicodemous

(106) South 24° 15' 47" East 533.69 feet to an iron pipe found, thence with the Eastern Boundary of "Spring Garden Estates" two (2) courses and distances

(107) South 14° 32' 48" East 1753.13 feet to an iron pipe found, thence

(108) South 88° 36' 56" West 484.69 feet to an iron pipe found at the Northeast corner of "Discovery" and running with the Eastern Boundary thereof

(109) South 8° 45' 22" East 2293.08 feet to a point on the North side of the right of way for Stauffers Road and running therewith three (3) courses and distances

(110) North 72° 05' 18" East 2356.50 feet to the beginning of a curve to the left having a radius of 3249.05 feet through a central angle of 3° 00' 34", an arc distance of 170.66 feet by a chord bearing

(111) North 70° 35' 01" East 170.64 feet, thence

(112) North 69° 04' 44" East 218.61 feet to a point on the North side of the right of way for Stauffers Road and in Israel's Creek and running with Israel's Creek fourteen (14) courses and distances

(113) North 18° 32' 10" East 409.12 feet, thence

(114) North 16° 58' 03" West 222.77 feet, thence

(115) North 65° 25' 06" East 206.74 feet, thence

(116) North 8° 02' 24" West 1258.37 feet, thence

- (117) North 66° 57' 45" East 654.17 feet, thence
- (118) North 21° 38' 21" East 328.12 feet, thence
- (119) North 73° 25' 34" East 367.37 feet, thence
- (120) North 87° 43' 15" East 385.14 feet to a point on the West side of the right of way for Crum Road and running with said right of way, thence
- (121) North 7° 49' 13" West 50.00 feet, thence
- (122) North 82° 10' 47" East 60.00 feet to a point on the East side of the right of way for Crum Road and running with said right of way, thence
- (123) South 7° 49' 13" East 56.48 feet to a point in Israel's Creek, thence continuing with Israel's Creek
- (124) North 88° 58' 21" East 1290.94 feet, thence
- (125) North 12° 09' 36" East 1044.43 feet, thence
- (126) North 44° 01' 23" East 705.09 feet, thence
- (127) North 36° 51' 39" West 192.86 feet, thence
- (128) North 37° 04' 41" West 322.40 feet, thence
- (129) North 14° 14' 20" West 595.39 feet to a point on the South Boundary of "Gladetowne" and running therewith two (2) courses and distances
- (130) North 83° 42' 02" East 395.06 feet to a point, thence
- (131) North 25° 42' 02" East 63.57 feet to a concrete monument found, thence with the outlines of the Hazel Lewis Estate twenty-three (23) courses and distances, and continuing with Israel's Creek
- (132) North 80° 33' 06" East 699.65 feet, thence
- (133) North 50° 03' 04" East 99.95 feet, thence
- (134) North 35° 03' 09" East 116.61 feet, thence
- (135) South 67° 56' 48" East 396.79 feet, thence
- (136) South 53° 08' 12" East 158.54 feet, thence

(137) North $61^{\circ} 30' 06''$ East 453.68 feet to a point on the West side of the right of way for Water Street Road and in Israel's Creek, and running with said right of way nine (9) courses and distances

(138) North $27^{\circ} 50' 39''$ West 11.94 feet to the beginning of a curve to the right having a radius of 150.00 feet through a central angle of $53^{\circ} 19' 09''$, an arc distance of 139.59 feet by a chord bearing

(139) North $1^{\circ} 11' 04''$ West 134.61 feet, thence

(140) North $25^{\circ} 28' 30''$ East 119.74 feet to the beginning of a curve to the left having a radius of 274.23 feet through a central angle of $30^{\circ} 09' 04''$, an arc distance of 144.31 feet by a chord bearing

(141) North $10^{\circ} 23' 58''$ East 142.65 feet, thence

(142) North $4^{\circ} 40' 34''$ West 769.64 feet to the beginning of a curve to the left having a radius of 317.25 feet through a central angle of $28^{\circ} 19' 41''$, an arc distance of 156.85 feet by a chord bearing

(143) North $18^{\circ} 50' 24''$ West 155.26 feet, thence

(144) North $33^{\circ} 00' 15''$ West 302.60 feet to the beginning of a curve to the right having a radius of 530.00 feet through a central angle of $53^{\circ} 47' 26''$, an arc distance of 497.58 feet by a chord bearing

(145) North $6^{\circ} 06' 32''$ West 479.50 feet, thence

(146) North $20^{\circ} 47' 11''$ East 574.18 feet to the beginning of a curve to the left having a radius of 207.09 feet through a central angle of $51^{\circ} 06' 43''$, an arc distance of 184.74 feet by a chord bearing

(147) North $4^{\circ} 46' 10''$ West 178.67 feet, thence

(148) North $30^{\circ} 19' 31''$ West 710.27 feet, thence with the boundary of a Subdivision called Hazel Lewis Section I, Lot [Lots] 1 and 2, found recorded in Plat Book 11, page 119,

(149) South $70^{\circ} 42' 57''$ West 489.38 feet to a concrete monument found, thence

(150) North $19^{\circ} 16' 59''$ West 206.08 feet to a point on the South side of the right of way for Daysville Road and running therewith

(151) South $68^{\circ} 15' 40''$ West 286.31 feet, thence

(152) South $64^{\circ} 33' 00''$ West 598.69 feet, thence

(153) South 25° 27' 16" East 31.31 feet to an iron pipe found and the point of beginning, containing 2576.03 acres of land, more or less.

Section C2-2. Filing of corporate limits.

The courses and distances showing the exact corporate limits of the town shall be filed at all times with the Clerk of the Circuit Court for Frederick County, the Commissioner of the Land Office of Maryland and the Director of the Department of Legislative Reference of Maryland, and a copy of the courses and distances describing the corporate boundaries shall be on file in the Town Office of the town and in the office of either the Burgess or the Town Clerk. All future changes in said corporate limits, by annexation or otherwise, shall likewise be filed with said officials or their successors and with such other officials as may be required from time to time by the State of Maryland. All officials named in this section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them, each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours.

ARTICLE III

Officers

Section C3-1. Burgess and Commissioners.

The government of the town shall be vested in a Burgess and five (5) Commissioners to be elected as hereinafter provided. All legislative powers of the town shall be vested in the Commissioners.

Section C3-2. Restrictions on elected officials of the town.

A. Municipal contracts. Except where authorized by law or ordinance, no elected official shall hold any other remunerative office under the town during his term of office; neither shall an elected official, either directly or indirectly, through the medium or agency of other persons, enter into a contract or contracts with the town nor derive any pecuniary benefits from such a contract or contracts; neither shall any elected official be reimbursed nor receive any compensation of any kind from the town other than the remuneration hereinafter provided for.

B. Retaining eligibility for office. Each elected official must continuously reside in the town during his term of office, and each elected official shall retain throughout his respective term of office all the qualifications necessary for his election. The failure to retain all such qualifications shall ipso facto cause a forfeiture of the office.

Section C3-3. Selection and term of Commissioners.

Each Commissioner shall hold office for a term of three (3) years or until their successor is duly qualified and takes office. The regular term of each Commissioner shall begin at the time of the first regular meeting in the month following their election. Commissioners shall be elected as hereinafter stated. (Res. No. 2007-02, 5-17-07.)

Section C3-4. Qualifications of Commissioners.

Each Commissioner shall have resided in the town for at least three (3) years immediately preceding his election, shall be a qualified voter of the town, shall be at least twenty-five (25) years of age and shall be a citizen of the United States and a resident of the State of Maryland.

Section C3-5. Salary of Commissioners.

Each Commissioner shall receive an annual salary which shall be equal for all Commissioners and shall be as specified from time to time by an ordinance passed by the Commissioners in the regular course of their business; provided, however, that no ordinance increasing such salary shall become effective until the date of commencement of the terms of Commissioners elected at the next regular election, provided that such election follows the adoption of such ordinance by at least three (3) months.

Section C3-6. Expenses of Burgess and Commissioners.

The Burgess and Commissioners shall receive, in addition to any salary established from time to time, their actual and necessary expenses incurred in the performance of their duties of office.

Section C3-7. Meetings of Commissioners.

The Commissioners shall meet regularly at such times as their rules may prescribe, but not less than once each month. The Town Clerk may call special meetings upon the request of the burgess or a majority of the Commissioners. All meetings shall be open to the public, except when the Maryland Open Meetings Act permits closed sessions. Residents of the Town shall have a reasonable opportunity to be heard at any meeting in regard to any town question. (Res. No. 97-2, 8-14-97)

Section C3-8. Commissioners to be judge of qualification of their members.

The Commissioners shall be the judge of the election and qualification of their members and of the grounds for forfeiture of their office and for the office of Burgess; for that purpose, they shall have the power to subpoena witnesses, administer oaths and require the production of evidence. A Commissioner or the Burgess charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the town at least one (1) week in advance of the hearing. Decisions made by the Commissioners under this section shall be subject to review by the courts.

Section C3-9. President of the Commissioners.

The Burgess shall serve as President of the Commissioners. The Burgess may take part in all discussions, but he shall have no vote except in the case of a tie vote. The Commissioners

shall elect a Vice President of the Commissioners from among their members, who shall act as Burgess and have all the powers and duties of that office during the absence or illness of the Burgess.

Section C3-10. Quorum.

A majority of the Commissioners shall constitute a quorum for the transaction of business, but no ordinance shall be approved nor any other action taken without the favorable votes of a majority of the whole number of members elected as Commissioners.

Section C3-11. Procedure of Commissioners.

The Commissioners shall determine their own rules and order of business. They shall keep a journal of their proceedings and enter therein the yeas and nays upon final action on any question, resolution or ordinance or at any other time if required by any one (1) Commissioner. The journal shall be open to public inspection.

Section C3-12. Commissioner vacancy.

Commissioner vacancies shall be filled as provided in Article VI of this Charter.

Section C3-13. Ordinances.

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the Commissioners held not less than six (6) nor more than ninety (90) days after the meeting at which an ordinance was introduced, it shall be passed, passed as amended, rejected or its consideration deferred to some specified future date. In cases of emergency, the above requirements may be suspended by the affirmative votes of four (4) Commissioners. Every ordinance, unless it is passed as an emergency ordinance, shall, unless otherwise provided in the ordinance, become effective at the expiration of twenty (20) calendar days following approval of the ordinance by the Burgess or passage by the Commissioners over his veto. A fair summary of each ordinance shall be published at least once in a newspaper or newspapers having general circulation in the town within thirty (30) days of its effective date. An emergency ordinance shall become effective on the date specified in the ordinance. No ordinance, emergency or otherwise, shall become effective until approved by the Burgess or passed over his veto by the Commissioners.(Res. No. 2000-05, 9-28-00.)

Section C3-14. Veto.

All ordinances and resolutions passed by the Commissioners shall be promptly delivered by the Town Clerk to the Burgess for his approval or disapproval. If the Burgess approves any ordinance or resolution, he shall sign it. If the Burgess disapproves any ordinance or resolution, he shall not sign it. The Burgess shall return all ordinances and resolutions to the Town Clerk within twelve (12) days after delivery to him (excluding the day of delivery, including the day of return and excluding any Sunday(s)) with his approval or disapproval. Any ordinance approved by the Burgess shall be law. Any resolution approved by the Burgess shall become effective.

Any ordinance or resolution disapproved by the Burgess shall be returned with a message stating the reasons for his disapproval. Any disapproved ordinance shall not become law unless subsequently passed by a favorable vote of four-fifths (4/5) of the whole number of Commissioners within thirty-five (35) calendar days from the time of the return of the ordinance. Any disapproved resolution shall not become effective unless subsequently passed by a favorable vote of four-fifths (4/5) of the whole number of Commissioners within thirty-five (35) calendar days from the time of the return of the resolution. If the Burgess fails to return any ordinance or resolution within twelve (12) days of its delivery as hereinbefore defined, it shall be deemed to be approved by the Burgess and shall become law or effective in the same manner as an ordinance or resolution signed by him.

Section C3-15. Referendum.

If, before the expiration of twenty (20) calendar days following approval of any resolution or ordinance by the Burgess or passage of any resolution or ordinance over the Burgess's veto, a petition is filed with the Town Clerk containing the signatures of not less than twenty per centum (20%) of the qualified voters of the town and requesting that the resolution or ordinance, or any part thereof, be submitted to a vote of the qualified voters of the town for their approval or disapproval, the Commissioners shall have the resolution or ordinance, or the part thereof requested for referendum, submitted to a vote of the qualified voters of the town at the next regular town election or, in the discretion of the Commissioners, at a special election occurring before the next regular election. No resolution or ordinance, or the part thereof requested for referendum, shall become effective following the receipt of such petition until and unless approved at the election by a majority of the qualified voters voting on the question. An emergency ordinance, or the part thereof requested for referendum, shall continue in effect for sixty (60) days following receipt of such petition. If the question of approval or disapproval of any emergency ordinance, or any part thereof, has not been submitted to the qualified voters within sixty (60) days following receipt of the petition, the operation of the ordinance, or the part thereof requested for referendum, shall be suspended until approved by a majority of the qualified voters voting on the question at any election. Any ordinance, or part thereof, requested for referendum that is disapproved by the voters shall stand repealed. The provisions of this section shall not apply to any resolution or ordinance, or part thereof, passed under the authority of Article IX regarding the levying of property taxes for the payment of indebtedness, but the provisions of this section shall apply to any resolution or ordinance, or any part thereof, levying special assessment charges under the provisions of Article XIII. The provisions of this section shall be self-executing, but the Commissioners may adopt resolutions and ordinances in furtherance of these provisions and not in conflict with them.

Section C3-16. File of ordinances and resolutions.

Ordinances and resolutions shall be permanently filed by the Town Clerk in at least two (2) separate locations and shall be kept available for public inspection.

Section C3–17. Selection and term of Burgess.

The Burgess shall be elected as hereinafter provided and shall hold office for a term of three (3) years or until their successor is duly elected, duly qualified and takes office. The regular term of Burgess shall begin at the time of the first regular meeting in the month following their election. (Res. No. 2007-02, 5-17-07)

Section C3–18. Qualifications of Burgess.

The Burgess of the town shall be not less than thirty (30) years of age, a citizen of the United States, a resident of the State of Maryland and a registered voter in the town and shall have resided in the town for at least five (5) years immediately preceding his election.

Section C3–19. Salary of Burgess.

The Burgess shall receive an annual salary as set from time to time by an ordinance passed by the Commissioners in the regular course of business. No change shall be made in the salary for any Burgess during the term for which he was elected. The ordinance making any change in the salary paid to the Burgess, either by way of increase or decrease, shall be finally ordained prior to the town election to elect the next succeeding Burgess and shall take effect only as to the next succeeding Burgess.

Section C3–20. Powers and duties of Burgess.

A. *General.* The Burgess shall see that the resolutions and ordinances of the town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the town government.

B. *Appointments.* The Burgess, with the approval of the Commissioners, shall appoint the heads of all offices, departments and agencies of the town government as established by this Charter or by ordinance. All office, department and agency heads shall serve at the pleasure of the Burgess but may be removed by him only with cause and with the approval of the Commissioners. All subordinate officers and employees of the offices, departments and agencies of the town government shall be appointed and removed by the applicable office, department or agency head, subject to the approval of the Burgess, in accordance with rules and regulations in any merit system which may be adopted by the Commissioners. (See note (1))

C. *Reports.* The Burgess each year shall report to the Commissioners the condition of town affairs and make such recommendations as he deems proper for the public good and the welfare of the town.

D. *Veto.* The Burgess shall have the power to veto ordinances passed by the Commissioners as provided in § C3–14 of this Article III.

E. *Finances.* The Burgess shall have complete supervision over the financial administration of the town government. He shall prepare or have prepared annually a budget and

submit it to the Commissioners. He shall supervise the administration of the budget as adopted by the Commissioners. He shall supervise the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded without the approval of the Commissioners.

F. *Other.* The Burgess shall have such other duties as may be prescribed by this Charter or as may be required of him by the Commissioners not inconsistent with this Charter.

Section C3–21. Competitive bidding required for certain materials and supplies.

All materials, equipment and supplies shall be purchased by the town by competitive bidding, where possible. Not less than two (2) bids shall be considered, unless fewer than two (2) bids are obtainable. The Burgess and Commissioners shall receive sealed bids and shall open and read them at a public meeting. The Burgess and Commissioners may reject any or all bids. Bids may be received for the purchase of materials on a unit basis, and such materials may be purchased for the entire year. The provisions of this section shall apply only to purchases of materials and supplies in excess of five hundred dollars (\$500.).

ARTICLE IV

Powers

Section C4–1. General powers and exemption from County laws.

The Commissioners shall have and are hereby granted the powers and authority to exercise all powers relating to and to pass all such ordinances and to take all such measures not contrary to the Constitution and laws of the State of Maryland or this Charter as they may deem necessary for the good government and improvement of the town; for the protection and preservation of the town's property, rights and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, morals, comfort, convenience, welfare and happiness of the citizens of, residents of, visitors in and sojourners of the town. The town shall have all powers possible for a town to have under the Constitution and laws of this state, as fully and completely as though they were specifically enumerated in this Charter. To the extent permitted by law, the town may exempt itself from County laws. (Res. 83–3, 2–24–84.)

Section C4–2. Construction.

The powers of the town under this Charter shall be liberally construed in favor of the town, and the mention of particular powers in this Charter shall not be construed as limiting in any way the general powers stated in this Article.

Section C4–3. Intergovernmental relations.

The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any

one (1) or more states or civil divisions, or agencies thereof, or the United States, or any agency thereof, or contract with another agency to do so, or with any other body politic or political subdivision for any necessary purpose.

Section C4-4. Specific powers.

A. The Commissioners shall have, in addition, the power to pass ordinances and resolutions not contrary to the laws and Constitution of this state for the specific purposes provided in the following subsections of this section.

- (1) *Administration*: to provide for the general administration of the town.
- (2) *Admissions and amusement tax*: to levy, assess and collect admission and amusement taxes. (See note (2))
- (3) *Advertising*: to provide for advertising for the purposes of the town and for printing and publishing statements as to the business of the town.
- (4) *Agreements and contracts with other agencies*: to enter into agreements and contracts with other agencies where such agreements are necessary to secure benefits not obtainable by the town alone.
- (5) *Air pollution*: to prevent air pollution. (See note (3))
- (6) *Aisles and doors*: to regulate and prevent the obstruction of aisles in public halls, churches and places of amusement and to regulate the construction and operation of the doors and the means of egress therefrom.
- (7) *Amusements*: to provide, in the interest of the public welfare, for licensing, regulating or restraining theatrical or other public amusements.
- (8) *Appointments*: to appoint such town officers, department and agency heads and employees, including a Town Attorney, Town Treasurer, Town Clerk, Supervisors of Elections, Supervisor of Public Works, Auditor and such other officers, department and agency heads and employees as the Burgess and Commissioners may deem necessary, at such compensation or without compensation, to serve at the pleasure of the Burgess and Commissioners as hereinbefore set forth. The duties of all officers and department and agency heads shall be determined by the Burgess and Commissioners. (See note (1))
- (9) *Appropriations*: to appropriate town moneys for any purpose within the powers of the Commissioners.
- (10) *Auctioneers*: to regulate the sale of all kinds of property at auction within the town and to license auctioneers.

(11) *Band*: to establish a town band, symphony orchestra or other musical organization and to regulate by ordinance or resolution the conduct and policies thereof.

(12) *Billboards*: to license, tax, regulate, restrain or prohibit the erection and maintenance of billboards within the town; the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole or other place within the town; and to phase out, within a reasonable time, nonconforming signs. (See note (4))

(13) *Bridges*: to erect and maintain bridges.

(14) *Building lines and regulations*: to provide by ordinance for the establishment of building lines and building regulations. (See note (5))

(15) *Buildings*: to make reasonable regulations in regard to buildings and signs to be erected, constructed or reconstructed in the town and to require and grant building permits for them; to formulate a Building Code and a Plumbing Code and to appoint a Building Inspector and a Plumbing Inspector and to require reasonable charges for permits and inspections; and to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof, in whole or in part, when dangerous or insecure and to require that such buildings and structures be made safe or be taken down. (See note (6))

(16) *Cemeteries*: to regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.

(17) *Codification*: to provide for the codification of all ordinances which have been or may hereafter be passed, and for the printing thereof, and for the printing of the Charter of the town. (See note (7))

(18) *Community services*: to provide, maintain or operate community services and social services for the preservation and promotion of the health, recreation, welfare and enlightenment of the inhabitants of the town.

(19) *Cooperative activities*: to make agreements with other municipalities, towns, counties, districts, bureaus, commissions and governmental authorities for the joint performance of, or for cooperation in the performance of, any governmental functions.

(20) *Curfew*: to prohibit the youth of the town from being in the streets, lanes, alleys or other public places at unreasonable hours of the night.

(21) *Dangerous conditions*: to compel persons about to undertake dangerous improvements or activities or to otherwise create dangerous conditions to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work or activity which may be sustained by any person or property.

(22) *Departments and offices*: to create, change and abolish departments, offices or agencies, including but not limited to appeal boards, task forces and advisory groups,

other than the ones established by this Charter, and to assign additional functions or duties to those established by this Charter, but not including the power to discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

(23) *Disorderly houses:* to suppress bawdy houses, disorderly houses and houses of ill fame.

(24) *Dogs, bitches, cats, fowl and other animals:* to regulate the keeping of dogs, bitches, cats, fowl and other animals in the town and to provide, wherever the county does not license or tax dogs, bitches and cats, for the licensing and taxing of them; to provide for the disposition of homeless dogs, bitches, cats, fowl and other animals and of dogs, bitches and cats on which no license fee or taxes are paid; and to provide for penalties and fines when found in violation of the ordinances provided in such cases. (See note (8))

(25) *Elections; conduct and procedure:* to adopt by ordinance any procedures and regulations, consistent with the provisions of this Charter and with the election laws of the State of Maryland, necessary to provide for the conduct of town elections, including but not restricted to absentee ballots and for write-in candidates, and to provide for special elections for town purposes, at such times and places as may be determined, subject to the provisions of this Charter. (See note (9))

(26) *Electricity:* to construct or purchase, own, improve, extend, repair, maintain and operate an electric plant for the purpose of lighting the town streets and buildings, etc., and for furnishing electricity for light and power for the use of the citizens of the town and, to this end, to acquire, by gift, grant, lease, purchase, condemnation or any other lawful means, the lands, tenements, rights, ways, privileges and franchises necessary to carry this power into effect.

(27) *Elevators:* to require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

(28) *Equipment:* to acquire, maintain and dispose of such equipment, including motor vehicles of any type, as may be necessary and proper to carry out any power or authority granted by this Charter.

(29) *Erosion and sediment control:* to regulate grading and construction to control erosion and sediment. (See note (10))

(30) *Explosives and combustibles:* to regulate or prevent the storage of gunpowder, oil or any other explosive or combustible material and to regulate or prevent the use of firearms, fireworks, bonfires, explosives or any other similar things which may endanger persons or property. (See note (11))

(31) *Filth:* to compel the occupant of any premises, building or outhouse situated in the town, if it has become filthy or unwholesome, to abate and cleanse the condition

and, after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against the property, making it collectible by taxes, or against the occupant or occupants.

(32) *Finances*: to levy, assess and collect ad valorem property taxes; to expend town funds for any public purpose; to have the general management and control of the finances of the town; and to designate by ordinance or resolution the bank or banks or trust company or trust companies in this state in which shall be deposited all funds belonging to the town.

(33) *Fires*: to suppress fires and prevent the dangers thereof and to establish and maintain a Fire Department; to contribute funds to volunteer fire companies serving the town; to inspect buildings for the purpose of reducing fire hazards; to issue regulations concerning fire hazards and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of town fire-hazard regulations are met; to install and maintain fire plugs, where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the town.

(34) *Food*: to inspect and to require the condemnation of, if unwholesome, and to regulate the sale of any food products.

(35) *Franchises*: to grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, cable television companies, other public and quasi-public corporations and any others which may be deemed advantageous and beneficial to the town; subject, however, to the limitations and provisions of the Annotated Code of Maryland, as amended from time to time. No franchise shall be granted for a period longer than fifty (50) years. (See note (12))

(36) *Gambling*: to restrain or prohibit gambling.

(37) *Garbage*: to regulate or prevent by penalties and fines the deposit of any unwholesome substance either on private or public property and to compel its removal to designated points; to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points or to require the occupants of the premises to place them conveniently for removal; to regulate or prevent by penalties and fines the throwing or depositing of any dirt, garbage, trash or liquids on any private or public property; to provide for the proper disposal of such materials and to levy such fees as may be necessary for the town collection of such materials; and to provide means for the collection and removal of garbage, trash, rubbish and other refuse matter within the town and on property owned by the town. (See note (13))

(38) *Grants-in-aid; other funds*: to accept gifts and grants of federal, state and county funds from the federal, state and county governments or any agency thereof or from any other available sources and to expend the funds for any lawful public purpose agreeable to the conditions under which the gifts or grants were made.

(39) *Hawkers*: to license, tax, regulate, restrain, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets of the town, including but not restricted to solicitors for charitable causes, and to revoke such licenses for any action or threat of action by such a licensee in the course of his occupation which causes or threatens harm or injury to inhabitants of the town or to their welfare or happiness. (See note (14))

(40) *Health*: to protect and preserve the health of the town and its inhabitants; to appoint a Public Health Officer and to define and regulate his powers and duties; to prevent the introduction of contagious diseases in the town; to establish quarantine requirements and regulations and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate and abate any buildings, structures or places or movement of night soil which cause or may cause unsanitary condition or conditions detrimental to health; and to have, within the corporate limits, the same powers as the Maryland State Board of Health, provided that nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health, the County Board of Health or any public general or local law relating to the subject of health.

(41) *House numbers*: to regulate the numbering of houses and lots and to compel owners to renumber them or, in default thereof, to authorize and require the work to be done by the town at the property owner's expense, such expense to constitute a lien upon the property, collectible as tax moneys.

(42) *Housing*: to establish a Housing Code and provide for the enforcement thereof.

(43) *Jail*: to establish, enact, erect, maintain and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the the town or to use the county jail for such purpose. (See note (30))

(44) *Licenses*: subject to any restrictions imposed by the Public General Laws of the State of Maryland, to license and regulate all persons beginning or conducting transient or permanent business in the town for the sale of any goods, wares, merchandise or services; to license and regulate any business, camping, occupation, trade, calling or place of amusement or business; and to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter. (See note (14))

(45) *Liens*: to provide that any valid charges, taxes or assessments made against any real property within the town shall be liens upon the property, which liens may be enforced by distraints and sale in the same manner as the collection of corporate taxes are enforced.

(46) *Lights*: to provide for the lighting of the town.

(47) *Livestock*: to regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, bitches, cats or any other animals; to authorize the impounding,

keeping, sale and redemption of such animals when found in violation of the ordinance provided in such cases; and to authorize fines and penalties provided in such cases. (See note (8))

(48) *Markets*: to obtain by lease or rent, own, construct, purchase, operate and maintain public markets within the town.

(49) *Merit system*: to establish a merit system for the town's employees not elected or appointed under the Constitution or Public General or Public Local Laws of the State of Maryland or this Charter. (See note (1))

(50) *Minor privileges*: to regulate or prevent the use of public ways, sidewalks and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements and display of goods, wares and merchandise. (See note (15))

(51) *Motor vehicles*: to regulate the speed, weight and operation of motorcycles, motorbikes, motor scooters, buses, trucks, motor vehicles and locomotives within the town limits. (See note (16))

(52) *Noise*: to regulate or prohibit the unreasonable ringing of bells, crying of goods, sounding of whistles or horns or other noise— or sound—making devices, machinery or mechanical contrivances or any other unnecessary or unreasonable noise in any vicinity where it affects the public health, safety, welfare and happiness of the citizens. (See note (17))

(53) *Nuisances*: to prevent or abate by appropriate ordinance all nuisances in the town which are so defined at common law, by this Charter, by the laws of the State of Maryland or by the laws of the United States, whether or not they are herein specifically named; and to regulate, promote, control the location of or require the removal from the town of all trading in, handling of, transporting or traffic in or manufacture of any commodity which is or may become offensive, obnoxious or injurious to the public comfort, health, welfare or happiness. In this connection, the town may regulate, prohibit, control the location of or require the removal from the town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries and renderies. This listing is by way of enumeration, not limitation.

(54) *Obstructions*: to prevent and remove all nuisances and obstructions from the streets, sidewalks, lanes and alleys, and from any property adjoining thereto, and any other places within the town or owned by the town. (See note (15))

(55) *Parking facilities*: to license and regulate and to establish, obtain by purchase, gift, lease, rent or any other legal means, own, construct, operate and maintain parking lots and other facilities for off—street parking. (See note (18))

(56) *Parking meters*: to install parking meters on the streets and public places of the town in such places as are determined by ordinance and, by ordinance, to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Highway Administration or the State Roads Commission of Maryland must first be approved by said authority.

(57) *Parks and recreation:* to establish and maintain public parks, gardens, playgrounds and other recreational facilities and programs to promote the health, welfare and enjoyment of the inhabitants of the town. (See note (19))

(58) *Pensions:* to provide a retirement or pension system or a group insurance plan for the officers or employees of the town or for including its officers and employees in any retirement or pension system operated by or in conjunction with the state on such terms and conditions as the laws of the state prescribe. (See note (20))

(59) *Police force:* to establish, operate and maintain a police force; to enter into contract with the state, county or any other agency or government available and qualified to render such police service to the town; and to provide for additional police and equipment in cases of emergency affecting the health, welfare, safety and happiness of the citizens of the town. All town policemen, within the town, shall have the powers and authority of constables and other police in this state to enforce the laws of the State of Maryland and County of Frederick and the Charter and ordinances of the town.

(60) *Police powers:* to prohibit, suppress and punish within the town all vice, gambling and games of chance not operated under the provisions of the Constitution and laws of the state, prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill repute or ill fame, tramps, vagrants, all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, drunkenness, drug usage and impersonation of a police officer. (See note (17))

(61) *Ponds, pools and lakes:* to regulate or prohibit by ordinance the construction and maintenance of artificial ponds, pools and lakes on any property within the town limits and to build any ponds, pools and lakes for the entertainment and amusement of the town citizens on property owned by the town, and to set and charge fees for the use thereof in order to defray costs.

(62) *Property:* to acquire, by conveyance, gift, purchase, condemnation or any other lawful means, real or leasehold property, improved or unimproved, rights-of-way, easements, water rights or watercourses for any public purpose; to erect buildings, structures, sewers, drains, utility lines, etc., thereon for the purposes and benefit of the town and its inhabitants and to sell, at public or private sale after twenty (20) days' public notice, and to convey to the purchaser or purchasers thereof any real or leasehold property, etc., belonging to the town when such legislative body determines that the same is no longer needed for any public use; to control, protect and maintain public buildings, grounds and property of the town; to take, by purchase, gift, grant, bequest, devise or any other legal means, and to hold real, personal or mixed property absolutely or in trust for parks or gardens or for the erection of statues, monuments, buildings, or structures, or for any public use, upon such terms and conditions as may be prescribed by the grantor or donor and accepted by the town; to provide for the proper administration of the same; and to convey the same when such legislative body determines that it is no longer needed for any public purposes or use, subject to the terms and conditions of the original grant or purchase.

(63) *Public improvements and utilities:* to make and maintain public improvements and utilities and to acquire property within or without the town limits necessary for such improvements and utilities.

(64) *Quarantine:* to establish quarantine regulations in the interest of the public health.

(65) *Rent control:* to pass such ordinances controlling, limiting or restricting the rent charged by property owners or their agents or assigns to tenants with regard to property, improved or unimproved, within the town.

(66) *Regulations:* to adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking and other similar regulations not in conflict with the laws of the state or with this Charter. (See note (21))

(67) *Salaries:* to fix the salary or compensation of all elected and appointed town officials and of all employees of the town.

(68) *Sewerage and drainage systems:* to construct, own, operate and maintain sewerage and storm drainage systems.

(69) *Sidewalks:* to regulate the use of sidewalks and all structures in, under or above them; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow or other obstructions, including but not restricted to overhanging hedges, weeds, brush and trees; and to prescribe hours for cleaning sidewalks. (See note (22))

(70) *Streets:* to regulate, control, open, close and maintain all dedicated and accepted public streets within the town limits. (See note (22))

(71) *Streets and sidewalks:* to survey, grade, pave, repair, drain, lay out, extend, open, close, straighten, relocate, widen, narrow, regulate, construct and improve curbs, streets, gutters, storm sewers, bridges, culverts, sidewalks, driveways and alleys in the town or immediately adjacent thereto; to locate and determine the size and design of catch basins and the materials of which they shall be constructed and the formula, if any, according to which the town may or may not participate in the cost of construction; to provide for the lighting of streets; to assess the abutting property owners for any costs of construction, improvement, repair, grading, paving, etc.; and to require bond for property owners or the construction agents to meet standards specified by the Burgess and Commissioners. (See note (22))

(72) *Surveys:* to order surveys made by a competent engineer, where deemed necessary, and to provide by ordinance for the surveys deemed necessary.

(73) *Sweepings:* to regulate and prevent the throwing or depositing of debris, sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids, oils, grease and volatile liquids, or other automobile refuse, or any other unwholesome materials whatsoever into any

public way or on any public or private property in the town, including but not limited to gutters, sewers, catch basins, ditches or streams. (See note (23))

(74) *Tax exemptions:* to allow certain tax exemptions or tax credits from the town property tax to certain senior or disabled citizens.

(75) *Taxes:* to levy, assess and collect taxes and to borrow money on the credit of the town and to levy and collect special assessments for benefits obtained, as hereinafter provided for. (See note (24))

(76) *Taxicabs:* to license, tax and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters, expressmen and all other persons pursuing like occupations.

(77) *Television:* to license and franchise community antenna or other subscription television systems. (See note (12))

(78) *Trees:* to provide for the setting out of, trimming, spraying and removal of trees on or along any street, sidewalk, alley, lane or property owned by the town. (See note (25))

(79) *Vehicles:* to regulate and license wagons and other vehicles not provided for or subjected to the licensing powers of the state.

(80) *Voting machines:* to purchase, lease, borrow, install and maintain voting machines for use in town elections.

(81) *Walls, fences, hedges, vines and shrubbery:* to regulate the height of walls, fences, hedges, vines and shrubbery on or along any street, sidewalk, alley or lane and to provide for their trimming, removal or setback.

(82) *Water:* to construct, own, operate and maintain a public water supply system for consumers, who shall include but not be limited to all residents and businesses in the town. (See note (26))

(83) *Weeds, refuse, etc[.]:* to provide for the removal of weeds and refuse, etc., from improved or unimproved lots or other property and to assess the costs against the owner of the property. (See note (27))

(84) *Zoning:* to exercise the powers as to planning and zoning conferred upon municipal corporations generally by the Annotated Code of Maryland, as amended, and such other legislation as the General Assembly of Maryland has, is or may subsequently pass. (See note (28))

B. *Saving clause.* The enumeration of powers in this section is not to be construed as limiting the powers of the town to the several subjects mentioned.

C. It is not intended that the aforementioned powers be exercised so as to conflict with normal agricultural activities on agriculturally zoned land. (Added 3-14-79)

Section C4-5. Exercise of powers.

For the purpose of carrying out the powers granted in this Charter, the Commissioners may pass all necessary ordinances and resolutions. All the powers of the town shall be exercised in the manner prescribed by this Charter or, if the manner is not prescribed, then in such manner as may be prescribed by ordinance.

Section C4-6. Enforcement.

To assure the observance of the ordinances of the town, the Commissioners shall have the power to provide that violation thereof shall be a misdemeanor or unlawful and shall have the power to affix thereto penalties of a fine not exceeding one thousand dollars (\$1,000.), unless otherwise provided in the ordinance, or imprisonment not exceeding thirty (30) days, unless otherwise provided in the ordinance, or both such fine and imprisonment. Any person subject to any fine, forfeiture or penalty by virtue of any ordinance passed under the authority of this Charter shall have the right of appeal within ten (10) days as provided by the General Law of the State of Maryland. The Commissioners may provide that, where the violation is of a continuing nature and is persisted in, a conviction for one (1) violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction. All fines, penalties or forfeitures imposed by this Charter or any town ordinance may be recovered in the name of the Burgess and Commissioners of Walkersville in the appropriate courts of Frederick County or the State of Maryland as debts of similar size are recovered, and the money arising therefrom shall be paid to the Burgess and Commissioners for the use of the town.

ARTICLE V

Authority to Borrow Funds

Section C5-1. Bonds.

The town is hereby empowered to borrow money for any proper public purpose, including but not limited to the refinancing of any outstanding indebtedness, and to evidence such borrowing by the issuance and sale of its general obligation bonds.

Section C5-2. Tax, bond, grant and approved loan anticipation notes.

The town is hereby empowered to borrow money in anticipation of the issuance of general obligation bonds, in anticipation of the receipt of the current taxes, in anticipation of the receipt of grants and also in anticipation of the receipt of approved lower interest loans, and to evidence such borrowing by the issuance and sale of bond, tax, grant or approved loan anticipation notes, payable as to principal and interest from the sale of said bonds or from the moneys received from said taxes, grants or loans when received. "Approved loans" means loans which have been applied for a lower interest rate than the notes issued in anticipation of the

receipt of the moneys, which loans have been approved by the lender but which moneys resulting from said loans, though encumbered by the lender, will not be received by the town until after the money, or any part thereof, is needed by the town.

Section C5-3. Manner of authorization and issuance.

A. All bonds of the town shall be authorized by resolution of the Burgess and Commissioners, which resolution shall contain the following:

(1) A statement of the public purpose upon which the proceeds of said bonds must be expended.

(2) The complete form of said bonds, which shall include:

(a) The place or places and time or times of payment thereof.

(b) The rate or rates of interest payable thereon, or a space for the insertion of such rate or rates of interest upon a determination thereof.

(c) The title of the officials whose signatures shall be affixed to or printed on said bonds.

(d) The authority for issuance thereof.

(e) The taxes and any special revenues from which the principal of and interest on said bonds will be payable.

(3) Form of notice.

(a) The form of the notice soliciting bids for the purchase of said bonds, which shall set forth:

[1] The date, place and time for the receiving and opening of bids.

[2] A brief description of the purpose or purposes for which said bonds are to be issued.

[3] A brief description of the denominations, maturities, terms and conditions of said bonds.

[4] A statement of the rate or rates of interest to be borne by said bonds, or the manner of determining the same.

[5] A precise statement of the manner in which the best offer for said bonds will be determined and a reference to the resolution authorizing the same.

Said notice of sale may also require the prospective purchasers to accompany their bids with good faith deposits in specified amounts, may make appropriate provisions for approval of legality of such bonds and may contain a financial statement of the town.

(b) The foregoing provisions which may be included in such a notice of sale may also be separately set forth in a circular or official statement, the form of which shall likewise be adopted by resolution or ordinance of the town.

(4) Specific provisions for the appropriation and disposal of the proceeds of the sale of any such bonds and any specific provision for the payment of the principal thereof and the interest thereon, which provision specifies the source or sources of payment and shall constitute a covenant binding the town to provide the funds from such source or sources as and when said principal and interest shall be due and payable.

B. If the ordinance or ordinances authorizing the issuance and sale of any such bonds or notes shall so specify, the bonds or notes may be sold at private sale without advertisement or publication of notice of sale or solicitation of competitive bids, unless the laws of the State of Maryland forbid sale in such manner at the time of the issuance and sale.

Section C5-4. Adoption of resolution.

Each such resolution shall be adopted by the Burgess and Commissioners by a majority vote of the Commissioners, and it shall not be necessary to submit any such resolution to a referendum of voters unless such resolution shall so provide. Each such resolution may contain such other provisions, not inconsistent with this Article, deemed appropriate by the Burgess and Commissioners.

Section C5-5. Issuance of bond, grant, tax or approved loan anticipation notes.

The procedure for the issuance of bond, tax, grant or approved loan anticipation notes shall be as prescribed above for the issuance of bonds, including the ability to issue and sell them by private negotiation.

Section C5-6. Limitations.

The limitations prescribed by the Laws of Maryland in Article 23A, Section 34, 1957 Edition, as amended from time to time, are placed on the issuance by the town and also the following limitations on bonds and bond, tax, grant or approved loan anticipation notes.

Section C5-7. Maximum debt limit.

The amount of money borrowed by the town shall not exceed at any one time the total sum of ten percent (10%) of the assessed valuation of all real and personal property in the town appearing on the assessment books of Frederick County, Maryland.

Section C5–8. Miscellaneous.

The funds derived from the sale of bonds or other certificates of indebtedness shall be deposited by the Burgess and Commissioners at some safe banking institution in the State of Maryland to be determined by them and to be subject to the check of the Town Treasurer only when countersigned by the Burgess. Out of said funds shall be paid only the proper expenses for the negotiation of the sale and liquidation of said bonds or other certificates of indebtedness and for the planning and construction or repair of all types of public improvements and utilities and the sites therefor and for the acquisition of equipment to provide the necessary or desirable public services.

Section C5–9. Effect and repayment of bonds and notes.

The issuance and sale of general obligation bonds or bond, grant, tax or approved loan anticipation notes shall constitute a pledge of the full faith and credit of the Burgess and Commissioners to the prompt payment, when due, from ad valorem taxes and such other revenues as may be described in the authorizing ordinance or ordinances, of the principal of and interest on such bonds or notes. The maturing principal of and interest on any general obligation bonds may be paid, on whole or in part, from the proceeds of such benefit assessments or charges, or any combination thereof, as the Burgess and Commissioners may impose and collect during the life of the bonds, the power and authority so to do being hereby specifically granted where appropriate to the public purpose for which the bonds may be issued. The Burgess and Commissioners shall, if and to the extent necessary, annually levy upon all property subject to taxation within the corporate limits of the town ad valorem taxes sufficient to provide for the payment of the maturing principal of and interest on any such bonds or notes, without limitation as to rate or amount, notwithstanding any limitation contained in this Charter or in any other law, and the issuance and sale of any such bonds or notes shall constitute a covenant to that effect.

Section C5–10. Other acts authorized.

The Burgess and Commissioners are hereby authorized and empowered to do all acts, by ordinance or otherwise, deemed necessary to issue and sell said bonds or other certificates of indebtedness and for the regulation, efficient operation and maintenance of any work, plant or system of public improvement, or any part thereof, financed pursuant to the authority of this section.

Section C5–11. Supplementary authority and powers.

The authority and powers contained in this section shall be supplementary to existing law, and such authority and powers may be exercised by the Burgess and Commissioners notwithstanding any other provision or limitation of law.

ARTICLE VI

Vacancies; Forfeiture of Office; Filling of Vacancies

Section C6-1. Vacancies.

The office of the Burgess or a Commissioner shall become vacant upon his death, resignation, removal from office in any manner authorized by law or forfeiture of his office.

Section C6-2. Forfeiture of office.

The Burgess or a Commissioner shall forfeit his office if he:

A. Lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law.

B. Violates any express prohibition of this Charter.

C. Is convicted of a crime involving moral turpitude.

D. Fails to attend three (3) consecutive regular meetings of the Commissioners without being excused by the Commissioners.

Section C6-3. Filling of vacancies.

A vacancy in the office of the Burgess or of a Commissioner shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than sixty (60) days upon the occurrence of the vacancy, but the Commissioners, by a majority vote of all of its remaining members, shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the Commissioners fail to do so within thirty (30) days following the occurrence of the vacancy, the election authorities shall call a special election to fill the vacancy, to be held not sooner than ninety (90) days and not later than one hundred twenty (120) days following the occurrence of the vacancy and to be otherwise governed by the provisions of Article VII, Elections.

ARTICLE VII

Elections

Section C7-1. Registration of voters.

Registration shall be essential to the right to vote at any election held under the provisions of this Article or under the provisions of any act of the General Assembly of the State submitting any proposition or question to the decision of the voters of the town. Provisions for registration shall be made by ordinance by the Burgess and Commissioners and may be made in a manner different from that provided by this Charter.

Section C7-2. Board of Supervisors of Elections.

There shall be a Board of Supervisors of Elections consisting of three (3) members, who shall be appointed by the Burgess, with the approval of the Commissioners, on or before the first Tuesday of the month of February in each year. The terms of the members of the Board of Supervisors of Elections begin on the first Tuesday in February in the year in which they are appointed and run for one (1) year or until their successors take office. Members of the Board of Supervisors of Elections shall be qualified voters of the town and shall not hold or be candidates for any elective office during their terms of office. The Board shall appoint one (1) of its members as Chairman. Vacancies on the Board shall be filled by the Burgess, with the approval of the Commissioners, for the remainder of the unexpired term. The compensation of the members of the Board, if any, shall be determined by the Commissioners.

Section C7-3. Duties.

The Board of Supervisors of Elections shall be in charge of the registration of voters, nominations and all town elections. The Board may appoint election clerks or other employees to assist in any of its duties.

Section C7-4. Notice of registration days and elections.

The Board of Supervisors of Elections shall give at least two (2) weeks' notice of every registration day and every election by an advertisement published in at least one (1) newspaper of general circulation in the town and by posting a notice thereof in some public place or places in the town.

Section C7-5. Revision of registration; records.

In every year, on the last Tuesday of the month of February and on the Wednesday following such Tuesday, commencing in the year 1977, the Board of Supervisors of Elections appointed by the Burgess shall sit as officer or officers of registration for the purpose of revising the registration. Such revision shall be made in conformity with the provisions of the law of the state in force from time to time relating to the registration of voters. The officers of registration shall transfer voters' names from one address to another in case such voters have changed their residence, shall add the names of voters qualified to register at that time and shall strike from the registration lists the names of those persons who have died or become disqualified. When the registration books in use shall become worn out, dilapidated or unfit for further use, the Burgess and Commissioners shall provide similar books to replace the used ones, and the names of the voters shall be transcribed therein or new lists made or an entire new registration had, as determined by ordinance. If necessary for the performance of registration or the convenience of the citizens of the town, the Burgess may designate additional days as registration days. Registration shall be permanent. The Commissioners, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration.

Section C7-6. Appeals; powers and duties of officers of registration.

Every such officer of registration shall cause a copy of the lists of persons disqualified to be published by handbills posted in such public places about the town as he may select within five (5) days after the close of such registration. Any person considering himself aggrieved by the action of the officer of registration in striking his name from the list of qualified voters may appeal to the Burgess who is hereby authorized to hear such appeal and to make such correction in the registration list, by the hand of the Town Clerk, as just and right, in the judgment of the Burgess. During the appointed time of their respective sittings, the officers of registration shall have, in addition to the duties and authority given them herein, such other powers and authority as is conferred on officers of registration by the Annotated Code of Maryland, as amended from time to time.

Section C7-7. Qualifications of voters.

Any citizen of the state and a citizen of the United States who is a resident of the Town of Walkersville and who, at the date of any town election therein, is respectively eighteen (18) years of age, is qualified and entitled to vote under the Constitution and laws of the state at any state election held in the state, has been a bona fide resident of the town for thirty (30) days next preceding the election and is registered as required by this Article shall be entitled to vote at all town elections. (Res. No. 2003-03, 07-03-03)

Section C7-8. Nomination of candidates.

All nominations for Burgess and Commissioners shall be pursuant to nomination forms, rules, and times as provided in Chapter 22 of the Town Code. (Res. No. 2003-05, 1-29-04.)

Section C7-9. Elections; terms of office.

An election shall be held on the second Monday of September beginning in September 2006 and every three years thereafter. Special elections may be held at other times as the Charter and Code provides. The Board of Supervisors of Elections shall provide for a suitable polling place and shall provide the official ballots and/or voting machines for the election. The Board shall also provide the official registration of voters for each election. They shall keep the polls open from 1:00 p.m. to 8:00 p.m. (Res. 91-1.1, 4-18-91; Res. No. 2003-05, 1-29-04.)

Section C7-10. Bribing, etc., of voters prohibited.

Any person who bribes, coerces or intimidates any voter, or attempts to bribe, coerce or intimidate any voter, at any election held under the direction of the Burgess and Commissioners shall be guilty of a misdemeanor and, on conviction thereof before any appropriate court of the County of Frederick or the State of Maryland, shall be fined for each and every offense or confined in the county jail, or both confined and imprisoned, at the discretion of the court having jurisdiction and hearing the case. The Burgess and Commissioners shall establish by ordinance from time to time the maximum fine or jail term for such cases.

Section C7-11. Vote count.

Within forty-eight (48) hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and certify the results of the election to the Town Clerk, who shall record the results in the minutes of the Commissioners. The candidate receiving the highest number of votes for the office of Burgess shall be declared as elected. The candidates receiving the highest number of votes for the offices of Commissioner being elected in that year shall be declared as elected. If the Board of Supervisors of Elections is unable to determine who is to be declared elected due to an equal number of votes being cast for two (2) or more candidates, the Board of Supervisors of Elections shall determine the candidate elected by a method to be determined by the incumbent Burgess and Commissioners.

Section C7-12. Preservation of ballots.

All ballots used in any town election shall be preserved for at least six (6) months from the date of the election.

Section C7-13. Regulation and control by Commissioners.

The Commissioners have the power to provide by ordinance, in every respect not covered by the provisions of this Charter, for the conduct of registration, nomination and town elections and for the prevention of fraud in connection therewith and for a recount of ballots in case of doubt or fraud. They shall also provide by ordinance for voting in any town election by absentee ballot.

ARTICLE VIII

Town Property

Section C8-1. Acquisition, possession and disposal.

The town may acquire real, personal or mixed property within and without the corporate limits of the town for any public purpose by purchase, gift, bequest, devise, lease, condemnation or in any other lawful manner and may sell, lease or otherwise dispose of any property belonging to the town. All town property, funds and franchises of every kind belonging to or in the possession of the town at the time this Charter becomes effective are vested in the town, subject to the terms and conditions thereof.

Section C8-2. Condemnation.

The town may condemn property of any kind, or interest therein, or franchise connected therewith, in fee or as an easement, within the corporate limits of the town for any public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any other state law applicable to the town is a public purpose. The manner of procedure in case of any condemnation proceeding shall be that established by the Annotated Code of the Public General Laws of Maryland.

Section C8-3. Town buildings.

The town may acquire, obtain by lease or rent, purchase, construct, operate and maintain all buildings and structures it deems necessary for the operation of the town government.

Section C8-4. Protection of town property.

The town may do whatever may be necessary to protect town property and to keep all town property in good condition.

Section C8-5. Designation or naming of town property including streets.

No town property shall be designated or named after any member of the Commissioners, including the Burgess, who is in office at the time of the naming or designation. (Res. No. 2001-1, 5-3-01.)

ARTICLE IX

Finance

Section C9-1. Town Treasurer.

There shall be a Town Treasurer appointed by the Burgess with the approval of the Commissioners. The Treasurer shall serve at the pleasure of the Burgess. The Treasurer's compensation shall be determined by the Commissioners. The Town Treasurer shall be the chief financial officer of the town. The financial powers of the town, except as otherwise provided by this Charter, shall be exercised by the Town Treasurer under the direct supervision of the Burgess.

Section C9-2. Powers and duties.

Under the supervision of the Burgess, the Town Treasurer shall have the authority and shall be required to:

A. Prepare, at the request of the Burgess, an annual budget to be submitted by the Burgess to the Commissioners.

B. Supervise and be responsible for the disbursement for all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

C. Maintain a general accounting system for the town in such form as the Commissioners may require, not contrary to state law.

D. Submit at the end of each fiscal year, and at such other times as the Commissioners may require, a complete financial report to the Commissioners through the Burgess.

E. Ascertain that all taxable property within the town is assessed for taxation.

F. Collect all taxes, special assessments, license fees, liens and all other revenues (including utility revenues) of the town, and all other revenues for whose collection the town is responsible, and receive any funds receivable by the town.

G. Have custody of all public moneys belonging to or under the control of the town, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the town.

H. Do such other things in relation to the fiscal or financial affairs of the town as the Burgess or the Commissioners may require or as may be required elsewhere in this Charter.

Section C9-3. Fiscal year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July in each year and end on the last day of June in the following year. The fiscal year constitutes the tax year, the budget year and the accounting year.

Section C9-4. Budget.

The Burgess, on such date as the Commissioners by ordinance determine, but at least thirty-two (32) days before the beginning of any fiscal year, shall submit a budget to the Commissioners. The budget shall provide a complete financial plan for the budget year and shall contain estimates of anticipated revenues and proposed expenditures for the coming fiscal year. The total of the anticipated revenues shall equal or exceed the total of the proposed expenditures. The budget shall be a public record in the office of the Town Treasurer, open to public inspection by anyone during normal business hours.

Section C9-5. Adoption.

Before adopting the budget, the Commissioners shall hold a public hearing thereon after two (2) weeks' notice thereof in some newspaper or newspapers having general circulation within the town. The Commissioners may insert new items or may increase or decrease the items of the budget. If the Commissioners increase the total proposed expenditures, they shall also increase the total anticipated revenues in an amount at least equal to the total proposed expenditures. The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total elected membership of the Commissioners is necessary for adoption.

Section C9-6. Appropriations.

No public money may be expended without having been appropriated by the Commissioners. From the effective date of the budget, the several amounts stated therein as

proposed expenditures shall be and become appropriated to the several objects and purposes named therein.

Section C9-7. Transfer of funds.

Any transfer of funds between major appropriations for different purposes by the Burgess must be approved by the Commissioners before becoming effective.

Section C9-8. Overexpenditures forbidden.

No officer or employee during any budget year may expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter is null and void. Nothing in this section contained, however, prevents the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds nor the making of contracts of leases or for services for a period exceeding the budget year in which the contract is made, when the contract is permitted by law.

Section C9-9. Appropriations lapse after one year.

All appropriations lapse at the end of the budget year to the extent that they are not expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and shall be included among the anticipated revenues for the next succeeding budget year. Setting aside and designating the use of funds shall be considered lawfully encumbering funds.

Section C9-10. Checks.

All checks issued in payment of salaries or other town obligations shall be issued and signed by the Town Treasurer and shall be countersigned by the Burgess.

Section C9-11. Taxable property.

All real property and all tangible personal property within the corporate limits of the town and personal property which may have a situs there by reason of the residence of the owner therein is subject to taxation for town purposes, and the assessment used shall be the same as that for state and county taxes. No authority is given by this section to impose taxes on any property which is exempt from taxation by any act of the General Assembly.

Section C9-12. Budget authorizes levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax constitutes a determination of the amount of the tax levy in the corresponding tax year.

Section C9-13. Notice of tax levy.

Immediately after the levy is made by the Commissioners in each year, the Town Treasurer shall give notice of the making of the levy by posting a notice thereof in some public place or places in the town. The Treasurer shall make out and mail or deliver in person to each taxpayer or to his or her agent at his or her last known address a bill or account of the taxes due from him or her. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due and the date on which the taxes will bear interest. Failure to give or receive any notice required by this section shall not relieve any taxpayer of the responsibility to pay, on the dates established by this Charter, all taxes levied on his or her property.

Section C9-14. When taxes overdue.

The taxes provided for in § C9-12 of this Article are due and payable on the first day of July in the year for which they are levied and are overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at a rate to be determined by the Burgess and Commissioners from time to time for each month or fraction of a month until paid. All taxes not paid and in arrears after the first day of the following January shall be collected as provided in § 9-15 [§ C9-15] of this Article.

Section C9-15. Sale of tax-delinquent property.

A list of all property on which the town taxes have not been paid and which are in arrears as provided by § C9-14 of this Article shall be turned over by the Town Treasurer to the official of the county responsible for the sale of tax-delinquent property as provided in state law. All property listed thereon, if necessary, shall be sold for taxes by the said county official in the manner prescribed by state law.

Section C9-16. Fees.

All fees received by an officer or employee of the town government in his official capacity shall belong to the town government and be accounted for to the town.

Section C9-17. Audit.

The financial books and accounts of the town shall be audited annually as required by the Annotated Code of Maryland.

Section C9-18. Tax anticipation borrowing.

During the first six (6) months of any fiscal year, the town may borrow in anticipation of the collection of the property tax levied for that fiscal year and may issue tax anticipation notes or other evidences of indebtedness as evidence of such borrowing. Such tax anticipation notes or other evidences of indebtedness shall be a first lien upon the proceeds of such tax and shall

mature and be paid not later than six (6) months after the beginning of the fiscal year in which they are issued. No tax anticipation notes or other evidences of indebtedness shall be issued which will cause the total tax anticipation indebtedness of the town to exceed fifty per centum (50%) of the property tax levy for the fiscal year in which the notes or other evidences of indebtedness are issued. All tax anticipation notes or other evidences of indebtedness shall be authorized by ordinance before being issued. The Commissioners shall have the power to regulate all matters concerning the issuance and sale of tax anticipation notes not otherwise provided for in this Charter.

Section C9-19. Payment of indebtedness.

The power and obligation of the town to pay any and all bonds, notes or other evidences of indebtedness issued by it under the authority of this Charter shall be unlimited, and the town shall levy ad valorem taxes upon all the taxable property of the town for the payment of such bonds, notes or other evidences of indebtedness and interest thereon without limitation of amount. The faith and credit of the town is hereby pledged for the payment of the principal of and the interest on all bonds, notes or other evidences of indebtedness issued under the authority of this Charter, whether or not such pledge is stated in the bonds, notes or other evidences of indebtedness or in the ordinance authorizing their issuance.

Section C9-20. Previous issues.

All bonds, notes or other evidences of indebtedness validly issued by the town previous to the effective date of this Charter and all ordinances passed concerning them are hereby declared to be valid, legal and binding and of full force and effect as if herein fully set forth.

Section C9-21. Purchases and contracts.

All purchases and contracts for the town government shall be made by the Town Treasurer. All expenditures for supplies, materials, equipment, construction of public improvements or contractual services involving more than five thousand dollars (\$5,000) shall be made by written contract. The Commissioners may provide, by resolution, rules and regulations regarding the use of competitive bidding and sealed bids for all town purchases and contracts. The Commissioners may, by resolution, authorize town personnel to approve purchases and contracts involving less than five hundred dollars (\$500). The Burgess may approve purchases and contracts involving less than five thousand dollars (\$5,000). The Commissioners shall approve purchases and contracts involving five thousand dollars (\$5,000) or more. The town, at any time in its discretion, may utilize its own employees for the construction or reconstruction of public improvements without advertising/readvertising for or receiving bids. All written contracts shall be protected by such bonds, penalties and conditions as the town may require. (Res. No. 96-8, 10-3-96.)

ARTICLE X

Personnel

Section C10-1. Town Clerk.

The Town Clerk shall serve as clerk to the Commissioners, attend every meeting of the Commissioners and keep a full and accurate account of the proceedings of the Commissioners and perform such other duties as may be required by this Charter or the Commissioners.

Section C10-2. Town Treasurer.

The Town Treasurer shall serve as Treasurer to the town and keep such records and perform such other duties as may be required by this Charter or the Commissioners.

Section C10-3. Town Attorney.

The Burgess, with the approval of the Commissioners, may appoint a Town Attorney. The Town Attorney shall be admitted to practice before the Maryland Court of Appeals and shall be the legal adviser of the town. The Attorney shall perform such duties in this connection as may be required by the Burgess or Commissioners. The Attorney's compensation shall be determined by the Commissioners. The town has the power to employ such legal consultants as it deems necessary from time to time.

Section C10-4. Authority to employ personnel.

The town may employ such officers and employees as it deems necessary to execute the powers and duties provided by this Charter or other state law and to operate the town government.

Section C10-5. Merit system authorized.

The town may provide by ordinance for appointments and promotions in the administrative service on the basis of merit and fitness. To carry out this purpose, the Commissioners may adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary. (See note (1)) Among other things, these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action and vacation and sick leave regulations. The town may request and avail itself of the facilities of the Commissioner of State Personnel for the administration of its merit system, as provided in state law.

Section C10-6. Unclassified and classified service.

A. *Civil service divided into unclassified and classified service.* The civil service of the town shall be divided into the unclassified and classified service.

B. *Unclassified service.* The unclassified service shall comprise the following offices and positions, which shall not be included within the merit system:

- (1) The Burgess, the Councilmen and persons appointed to fill vacancies in these positions.
- (2) The Clerk, Treasurer and Town Attorney.
- (3) The heads of all offices, departments and agencies and members of town boards and commissions.
- (4) Part-time, temporary and unpaid offices and positions.

C. *Classified service.* The classified service shall comprise all positions not specifically included by this section in the unclassified service. All offices and positions included in the classified service shall be subject to any merit system rules and regulations which may be adopted.

Section C10-7. Prohibitions and penalties.

A. *Prohibitions.*

- (1) If a merit system is adopted, no person in the classified service of the town or seeking admission thereto shall be appointed, promoted, demoted, removed or in any way favored or discriminated against because of his political or religious opinions or affiliations or any other factors not related to ability to perform the work.
- (2) No person shall willfully or corruptly commit or attempt to commit any fraud preventing the impartial execution of the personnel provisions of this Charter or of the rules and regulations made thereunder.
- (3) No officer or employee in the classified service of the town shall continue in such position after becoming a candidate for nomination or election to any public office.
- (4) No person seeking appointment to or promotion in the classified service of the town shall, either directly or indirectly, give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his appointment, proposed appointment, promotion or proposed promotion.
- (5) No person shall orally, by letter or otherwise, solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the town.
- (6) No person holding a position in the classified service of the town shall make any contribution to the campaign funds of any political party or any candidate for public

office or take any part in the management, affairs or political campaign of any political party or candidate for public office further than in the exercise of his right as a citizen to express his opinion and to cast his vote.

B. *Penalties.* Any person who by himself or with others willfully or corruptly violates any of the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.) or by imprisonment for a term not exceeding thirty (30) days, or by both such fine and imprisonment. Any person who is convicted under this section is ineligible for a period of five (5) years for appointment to or employment in a position in the town service and, if he is an officer or employee of the town, shall immediately forfeit the office or position he holds.

Section C10–8. Retirement system.

The town may do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the town. (See note (20))

Section C10–9. Compensation of employees.

The compensation of all officers and employees of the town shall be set from time to time by an ordinance passed by the Commissioners, subject to the restrictions imposed upon establishing the salaries of the Councilmen and the Burgess.

Section C10–10. Employee benefit programs.

The town, by ordinance, may provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees and may expend public moneys of the town for such programs.

ARTICLE XI

Public Ways and Sidewalks

Section C11–1. Definition of public ways.

The term “public ways” as used in this Charter includes all streets, avenues, roads, highways, public thoroughfares, lanes and alleys.

Section C11–2. Control of public ways.

The town has control of all public ways in the town except such as may be under the jurisdiction of the Maryland State Roads Commission. Subject to the laws of the State of Maryland and this Charter, the town may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the town.

Section C11-3. Powers of town as to public ways.

The town may:

A. Establish, regulate and change from time to time the grade lines, width and construction materials of any town public way, or part thereof, bridges, curbs and gutters.

B. Grade, lay out, construct, open, extend and make new town public ways.

C. Grade, straighten, widen, alter, improve or close up any existing town public way or part thereof.

D. Pave, surface, repave or resurface any town public way or part thereof.

E. Install, construct, reconstruct, repair and maintain curbs and/or gutters along any town public way or part thereof.

F. Construct, reconstruct, maintain and repair bridges.

G. Name town public ways.

H. Have surveys, plans, specifications and estimates made for any of the above activities or projects or parts thereof.

I. Require and order the owner of any property abutting on any public way in the town and any utilities having easements within any of said public ways to either do the work required at the expense of said owner or utility or require and order the said owner or utility to perform any projects authorized by this Article at the owner's or utility's expense according to reasonable plans and specifications, and if, after due notice, the owner or utility fails to comply with the order within a reasonable time, the town may do the work at the expense of said owner or utility. If the town does the work at the expense of said owner or utility, the expense shall be a lien on the property or utility and shall be collectible in the same manner as are town taxes or by suit at law.

Section C11-4. Powers of town as to sidewalks.

The town may:

A. Establish, regulate and change from time to time the grade lines, width and construction materials of any sidewalk or part thereof on town property along any public way or part thereof.

B. Grade, lay out, construct, reconstruct, pave, repave, repair, extend or otherwise alter sidewalks on town property along any public way or part thereof.

C. Require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow and other obstructions.

D. Require and order the owner of any property abutting on any public way in the town to perform any projects authorized by this section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the town may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are town taxes or by suit at law.

ARTICLE XII

Water and Sewers

(See note (26))

Section C12-1. Powers of town.

The town may:

- A. Construct, operate and maintain a water system and water plant.
- B. Construct, operate and maintain a sanitary sewerage system and a sewage treatment plant.
- C. Construct, operate and maintain a stormwater drainage system and stormwater sewers.
- D. Construct, maintain, reconstruct, enlarge, alter, repair, improve or dispose of all parts, installations and structures of the above plants and systems.
- E. Have surveys, plans, specifications and estimates made for any of the above plants and systems or parts thereof or the extension thereof.
- F. Do all things it deems necessary for the efficient operation and maintenance of the above plants and systems.

Section C12-2. Placing structures in public ways.

Any public service corporation, governmental agency, company or individual, before beginning any construction of or placing of or changing the location of any main, conduit, pipe or other structure in the public ways of the town, shall submit plans to the town and obtain written approval upon such conditions and subject to such limitations as may be imposed by the town. Any public service corporation, company or individual violating the provisions of this section is guilty of a misdemeanor. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage or stormwater systems, the town may order it removed.

Section C12-3. Obstructions.

All individuals, firms or corporations having mains, pipes, conduits, or other structures in on or over any public way in the town or in the county which impede the establishment, construction or operation of any town sewer or water main shall, upon reasonable notice, remove or adjust the obstructions at their own expense to the satisfaction of the town. If necessary to carry out the provisions of this section, the town may use its condemnation powers provided in § C8-2. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section C12-4. Entering on county public ways.

The town may enter upon or do construction in, on or over any county public way for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate and maintain the water system, water plant, sanitary sewerage system, sewage treatment plant or stormwater sewers provided for in this Charter. Unless required by the county, the town need not obtain any permit or pay any charge for these operations, but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before.

Section C12-5. Connections.

The town may provide a connection with water and sanitary sewer mains for all property abutting on any public way in which a sanitary sewer or water main is laid. When any water main or sanitary sewer is declared ready for operation by the town, all abutting property owners, after reasonable notice, shall connect all fixtures with the water or sewer main. The town may require that, if it considers existing fixtures unsatisfactory, satisfactory ones be installed and may require that all cesspools, sinkdrains and privies be abandoned, filled, removed or left in such a way as not to injure public health. All wells found to be polluted or a menace to health may be ordered to be abandoned and closed. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section C12-6. Connection charge.

The town may make a charge, the amount to be determined by the Commissioners, for each connection made to the town's water or sewer mains. This charge shall be uniform throughout the town but may be changed from year to year. Arrangements for the payment of this charge shall be made before the connection is made.

Section C12-7. Changes in plumbing, etc., to prevent waste or improper use.

In order to prevent any leakage or waste of water or other improper use of the town's water system or sewage disposal system, the town may require such changes in plumbing, fixtures or connections as it deems necessary to prevent such waste or improper use.

Section C12-8. Private systems.

The town, by ordinance, may provide that no water supply, sewerage, or stormwater drainage system, and no water mains, sewers, drains or connections therewith, shall be constructed or operated by any person or persons, firm, corporation, institution or community, whether upon private premises or otherwise, and may provide that cesspools or other private methods of sewage disposal shall be operated and maintained in such a manner that they do not and will not be likely to affect adversely the public comfort and health, and any cesspool or other private method of sewage disposal affecting or likely to affect adversely [adversely] the public comfort and health may be deemed a nuisance and may be abated by the town. Any violation of an ordinance passed under the provisions of this section may be made a misdemeanor.

Section C12-9. Extensions beyond boundaries.

The town may extend its water or sewerage systems beyond the town limits.

Section C12-10. Right of entry.

Any employee or agent of the town, while in the necessary pursuit of his official duties with regard to the water or sewage disposal systems operated by the town, has a right of entry, for access to water or sewer installations, at all reasonable hours and, after reasonable advance notice to the owner, tenant or person in possession, upon any premises and into any building in the town or in the county served by the town's water or sewage disposal system. Any restraint or hindrance offered to the entry by any owner, tenant or person in possession, or the agent of any of them, by ordinance, may be made a misdemeanor.

Section C12-11. Pollution of water supply.

No person shall do anything which will discolor, pollute or tend to pollute any water used or to be used in the town water supply system. Any violation of the provisions of this section is a misdemeanor.

Section C12-12. Contracts for service.

The town, if it deems it advisable, may contract with any party or parties inside or outside the town to obtain water or to provide for the removal of sewage.

Section C12-13. Charges.

The town may charge and collect such service rates, water rents, ready-to-serve charges or other charges as it deems necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the Clerk-Treasurer and, if bills are unpaid within thirty (30) days, the service may be discontinued. All charges shall be a lien on the property, collectible in the same manner as town taxes or by suit at law.

ARTICLE XIII Special Assessments

Section C13-1. Power of town to levy special assessments.

The town may levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon the property by the installation or construction of water mains, sanitary sewer mains, stormwater sewers, curbs and gutters and by the construction and paving of public ways and sidewalks, or parts thereof, and it may provide for the payment of all or any part of the above projects out of the proceeds of the special assessment (See note (29)). The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the town and any other item of cost which may reasonably be attributed to the project.

Section C13-2. Procedure.

A. *Provided.* The procedure for special assessments, wherever authorized in this Charter, is as provided in this section.

B. *Assessment of cost.* The cost of the project being charged for shall be assessed according to the front rule of apportionment or some other equitable basis determined by the Commissioners.

C. *Amount.* The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied by the town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five per centum (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

D. *Uniformity of rates.* When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

E. *Levy of charges; public hearing; notice.* All special assessment charges shall be levied by the Commissioners by ordinance. Before levying any special assessment charges, the Commissioners shall hold a public hearing. The Clerk-Treasurer shall cause notice to be given, stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Commissioners and be heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication

of a copy of the notice at least once in a newspaper of general circulation in the town. The Clerk–Treasurer shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) and not more than thirty (30) days after the Clerk–Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing, the Commissioners, in their discretion, may vote to proceed with the project and may levy the special assessment.

F. *Right of appeal.* Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the circuit court for the county within ten (10) days after the levying of any assessment by the Commissioners.

G. *Payments; interest.* Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten (10) years, and in such manner as the Commissioners may determine. The Commissioners shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Commissioners.

H. *When due; lien on property; collection.* All special assessment installments are overdue six (6) months after the date on which they became due and payable. All special assessments shall be liens on the property, and all overdue special assessments shall be collected in the same manner as town taxes or by suit at law.

I. *Clerk–Treasurer.* All special assessments shall be billed and collected by the Clerk–Treasurer.

ARTICLE XIV

County Road Taxes and Franchise Taxes

Section C14–1. County road taxes.

The Board of County Commissioners of Frederick County shall pay or cause to be paid annually to the Burgess and Commissioners three–fourths (3/4) of the full amount of the road and bridge tax levied and collected each fiscal year from property taxed for such purposes within the limits of the town. Any portion of said three–fourths (3/4) of said road and bridge tax collected by said County Commissioners after the fiscal year for which the same was levied shall be accounted for and paid over to the said Burgess and Commissioners from time to time in the year in which the same shall be collected. Said road and bridge tax shall be refunded and paid for the fiscal year 1977 and for each fiscal year thereafter. The money so received by the Burgess and Commissioners shall be used for the repair and improvement of the streets, avenues and roads within the town limits.

Section C14-2. Franchise taxes.

The Board of County Commissioners of Frederick County shall pay over annually to the Burgess and Commissioners one-fourth (1/4) of the franchise tax received by the County Commissioners under the provisions of the Annotated Code of Maryland, as amended from time to time, from every savings bank, institution or corporation organized for receiving deposits of money and paying interest thereon located within the taxable limits of the town and having its principal office therein.

ARTICLE XV

General Provisions

Section C15-1. Oath of office.

A. *Oath.* Before entering upon the duties of their offices, the Burgess, the Commissioners, the Town Clerk, the members of the Board of Supervisors of Elections and all other persons elected or appointed to any office of profit or trust in the town government shall take and subscribe to the following oath or affirmation:

I,, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of, according to the Constitution and laws of this state.

B. *Administration of oath.* The Burgess shall take and subscribe to this oath or affirmation before the Clerk of the Circuit Court for the county or before one (1) of the sworn deputies of said Clerk. All other persons taking and subscribing to the oath shall do so before the Burgess.

Section C15-2. Official surety bonds.

The Town Treasurer, and such other officers or employees of the town as the Commissioners or this Charter may require, shall give bond in such amount and with such surety as may be required by the Commissioners. The premiums on such bonds shall be paid by the town.

Section C15-3. Prior rights and obligations.

All right, title and interest held by the town or any other person or corporation at the time this Charter is adopted, in and to any lien acquired under any prior Charter of the town, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatever existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending or which may hereafter

be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Charter shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Charter had not become effective.

Section C15-4. Misdemeanors.

Every act or omission which, by ordinance, is made a misdemeanor under the authority of this Charter, shall, unless otherwise provided, be punishable upon conviction before any Judge of a District Court of the state or in the Circuit Court for the county within which the offense is committed by a fine not exceeding one thousand dollars (\$1,000.) or imprisonment for ninety (90) days in the county jail, or both, in the discretion of the court. The party aggrieved has the right to appeal as is now provided under the general laws of the state. Where the act or omission is of a continuing nature and is persisted in, a conviction for one (1) offense is not a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Section C15-5. Effect of Charter on existing ordinances.

A. Preexisting ordinances, resolutions, rules and regulations not in conflict with Charter. All ordinances, resolutions, rules and regulations in effect in the town at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed according to the provisions of this Charter.

B. Preexisting ordinances, resolutions, rules and regulations in conflict with Charter. All ordinances, resolutions, rules and regulations in effect in the town at the time this Charter becomes effective which are in conflict with the provisions of this Charter are repealed to the extent of such conflict.

Section C15-6. Severability.

If any section or part of a section or Article of this Charter shall be held invalid by any court of competent jurisdiction, such holding shall neither affect the remainder of this Charter nor the context in which said section or part of a section or Article so held invalid appears, except to the extent that an entire section or part of a section or Article to which such holding shall directly apply.

NOTES

- (1) See Ch. 49, Personnel Policies.
- (2) See Ch. 74, Taxation, Art. II.
- (3) See Ch. 5, Air Pollution.
- (4) See Ch. 88, Zoning, § 88–14.
- (5) See Ch. 15, Building Construction; Electrical Standards.
- (6) See Ch. 15, Building Construction; Electrical Standards; Ch. 55, Plumbing; and Ch. 88, Zoning, § 88–14.
- (7) See Ch. 1, General Provisions, Art. I, Adoption of Code.
- (8) See Ch. 9, Animals.
- (9) See Article VII, Elections, of this Charter.
- (10) See Ch. 60, Sediment Control, and Ch. A92, Grading and Sediment Control.
- (11) See Ch. 33, Hunting and Firearms.
- (12) See Ch. A91, Cable Television Franchise.
- (13) See Ch. 30, Garbage, Rubbish and Refuse, and Ch. 36, Littering.
- (14) See Ch. 47, Peddling and Soliciting.
- (15) See Ch. 69, Streets and Sidewalks, Art. II.
- (16) See Ch. 80, Vehicles and Traffic.
- (17) See Ch. 45, Peace and Good Order.
- (18) See Ch. 88, Zoning, § 88–10.
- (19) See Ch. 43, Parks and Recreation Committee.
- (20) See Ch. 66, Social Security.
- (21) See Ch. 15, Building Construction; Electrical Standards; Ch. 55, Plumbing; and Ch. 80, Vehicles and Traffic.

(22) See Ch. 69, Streets and Sidewalks.

(23) See Ch. 30, Garbage, Rubbish and Refuse; Ch. 36, Littering; and Ch. 69, Streets and Sidewalks, Art. II.

(24) See Ch. 74, Taxation, and Ch. 85, Water, Art. I.

(25) See Ch. 77, Trees.

(26) See Ch. 85, Water.

(27) See Ch. 13, Brush, Grass and Weeds.

(28) See Ch. 88, Zoning.

(29) See Ch. 85, Water, Art. I.

(30) Thus in the original.

(31) Thus in the attachment to Res. No. 95–10, effective September 23, 1995. The attachment purported to modify subsections “95” through “98C”, inclusive, of the corporate boundaries as found in the charter that was current as of February, 1992. This modification purportedly represents the annexation of the Grossnickle Property (Res. No. 95–9, effective 5–27–95) and the Sheetz Property (Res. No. 95–10, effective 9–23–95). In order to have the modified boundary description fit into the current version, the numbering was altered to be “96” through “99”.

(32) Resolution 2001–5, effective September 22, 2001, provided for the annexation of 6.6147 acres of land, more or less. The resolution, however, failed to amend the boundary description found in this Charter. Accordingly, this annexation resolution is simply noted as pursuant to the municipal general powers.